IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

CONTEMPT PETITION NO. 1 OF 2006

IN

NOTICE OF MOTION NO. 2633 OF 2005

IN

SUIT NO. 2165 OF 2004

Bennett.Coleman & Co. Ltd. .. Petitioners

Vs.

Bite Adertising Pvt.Ltd. &Ors. Respondents

Ms. Somya Shrikrishna i/b. Kanga & Co. for the petitioners.

Mr. S.P.Halwasia i/b. Halwasia & Co. for the Respondents 1 & 2.

Mr. Kiran Kulkarni for Respondent No.13.

Mr. K.S.Dewal for Respondent No.14.

CORAM: S.K.SHAH,J.

DATE : 17th March,2006.

P.C.

1. The petitioners have made allegation that the Respondents Nos. 1 and 2 and the other Respondents have breached the statement made before the Court and

the Court accepted it on 14.7.2005. The statement made on behalf of the Respondents Nos. 1 and 2 was that they will not print advertisement on the type of paper which is used by the petitiioners for the newspaper, news print and glossy. The statement was also made that the Respondents Nos. 1 and 2 will instruct the persons working for them who distruibute the advertisement door to door that they shall not insert the advertisement in the newspaper or other publications of the Plaintiffs.

2. What is contended on behalf of the petitioners is that the paper used for printing is glossy and similar to the print of the Petitioners' Paper The Times of India. Another contention raised on behalf of the petitioners is that this printed paper is inserted by the Respondents Nos. 1 and 2 in The Times of India Newspaper dated 29.10.2005. The Respondents have filed an affidavit explaining the position and denying the allegations.

3. The paper printed by Respondents Nos. 1 and 2 and the glossy print of The Times of India dated 29.10.2005 are placed before me. It seems that although the print of the Respondents Nos. 1 and 2 is on a glossy paper, it is much more thicker than the print of the Petitioners on the glossy paper.

Therefore, the allegation made by the Petitioners does not stand and is not correct.

4. So far as the second aspect of the matter is concerned, the Respondents have stated on affidavit that they have not inserted their print in The Times of India. The learned Counsel representing Respondents Nos. 1 and 2 also states that they have instructed their distributors not to insert their print in The Times of India. He further states that their distributors are distributing their print door to door.

5. In view of this, I do not find any merit in the Contempt Petition. The Contempt Petition stands disposed of.

(S.K.SHAH,J.)